

To: Town Council

From: The Wood Island Committee

Re: Wood Island Committee Update and Approach to Move Forward

Date: October 5, 2009

The Wood Island Committee met on Saturday October 3, 2009 to discuss the island's status and next steps. To recap, the Council appointed the Committee in 2008. The Committee then successfully applied for a Coastal Planning Grant from the State Planning Office.

The grant allowed the Committee to assess current conditions and explore options for the island in conjunction with UNH College of Engineering and Physical Sciences students, Appledore Engineering and Coastal Engineering Services. The resulting report, prepared by the student group, was presented to Council in May 2009. The complete report may be found on the Town's website ([www.kittery.org](http://www.kittery.org)) under "Documents" and the video of the presentation to council may be found under "Online Media."

Options Examined:

- Do nothing
- Stabilize and restore the existing structures and island infrastructure
- Remove the structure and seawall and replace with a highly durable representation of the lifesaving station.

The Wood Island Committee, during the 2009 summer, sent the report to the Department of the Interior to determine if they would support the above options. That Federal Agency deeded the island property to the Town for recreational purposes and has review authority over actions taken with the property. The Department has indicated that they could support the Town in implementing any of the three options.

The Committee would now like to recommend a three phase project and to receive public input on. The current condition of the building and the seawall and the cost of restoration impacted the committee's recommendations. The Committee believes the Lifesaving Station is a "Dangerous Building" under Maine Law Title 17 (see below). A significant finding of the report was the presence of hazardous materials in the structure, considerable amounts of lead paint and suspected asbestos around pipes and possibly in other areas of the building. Further, the deteriorating structure and largely inaccessible location make it a liability to the town. Cost of full restoration and then continued maintenance are well beyond what Kittery can afford at this time.

**The committee, therefore, proposes a 3 phase approach:**

- I: Abatement of hazardous materials in the Lifesaving Station. Preliminary review by a third party under the UNH study found possible asbestos, lead paint and birdwaste in volumes to cause problems. The Town Manager is exploring with the SMRPC, who administers a Brownfield program, whether or not this site might be eligible for initial analysis and possible abatement.
- II: Demolish the building, following abatement. Fill in the cellar; grind the seawall down into materials to be spread for path; and remove the rebar with the objective to return the island to more natural state.
- III: Determine financial interest and size and type of a monument to honor the life saving station on and / or off the island.

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***From Report Structure Removal***

An estimate for removal of the building was developed by Pickering Marine Inc., a local marine company based in Portsmouth, NH. The contractor estimates demolition and disposal will cost approximately \$75,000.00 without abatement. Abatement costs associated with demolition are dependent on results from the suspect materials survey. If the structure were removed, it would remove the safety hazard that the existing conditions pose to visitors. The station could then be replaced by another structure or the space could be allowed to return to its nature state.

**Request:**

The Wood Island Committee would ask the Council's support of the stated option recommended by the Committee and to authorize it to move forward for public input.

## **From The Wood Island Report:**

### **Recommended Options**

Three preliminary options were determined as possible courses of actions for the Town of Kittery. Each of these options combines alternatives from Part 2 of the 2009 Wood Island Feasibility Study.

Option A includes station stabilization & restoration with minimal seawall removal. The primary goal of this option is to immediately reduce existing hazards on the island. Implementation of this option could span over a period of time dictated by the availability of funding. This option protects the station structure from wind, rain, and wildlife. However, this option does not protect the building from flooding and wave action. The total estimated cost for this option is approximately \$145,600. This figure includes the installation of a modular dock with solar

lighting. The estimate does not include the fees associated with hazardous material inspection, testing and abatement.

Option B includes station stabilization & restoration with complete seawall reconstruction. The goal of this option is to provide all the benefits of Option A and protection of the building from sea storm conditions. The total estimated cost for this option is approximately \$865,600. This figure includes the installation of a modular dock with solar lighting. The estimate does not include the fees associated with hazardous material inspection, testing and abatement.

Option C includes complete station demolition & steel frame replacement with seawall demolition. This option is designed to eliminate all current and potential hazards on the island. No seawall is required because the steel frame could be designed for wave action. The total estimated cost for this option is approximately \$342,600. This figure includes the installation of a modular dock with solar lighting. The estimate does not include the fees associated with hazardous material inspection, testing and abatement. The estimate also does not include an environmental study to determine the possible deterioration of zinc coated structural steel expose to low pH bird excrement combined with ocean water spray.

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**Title 17: CRIMES**  
**Chapter 91: NUISANCES**  
**Subchapter 4: DANGEROUS BUILDINGS**

**§2851. Dangerous buildings**

Whenever the municipal officers in the case of a municipality, or the county commissioners in the case of the unorganized or deorganized areas in their county, find that a building or structure or any portion thereof or any wharf, pier, pilings or any portion thereof that is or was located on or extending from land within the boundaries of the municipality or the unorganized or deorganized area, as measured from low water mark, is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure. [1997, c. 6, §1 (AMD) .]

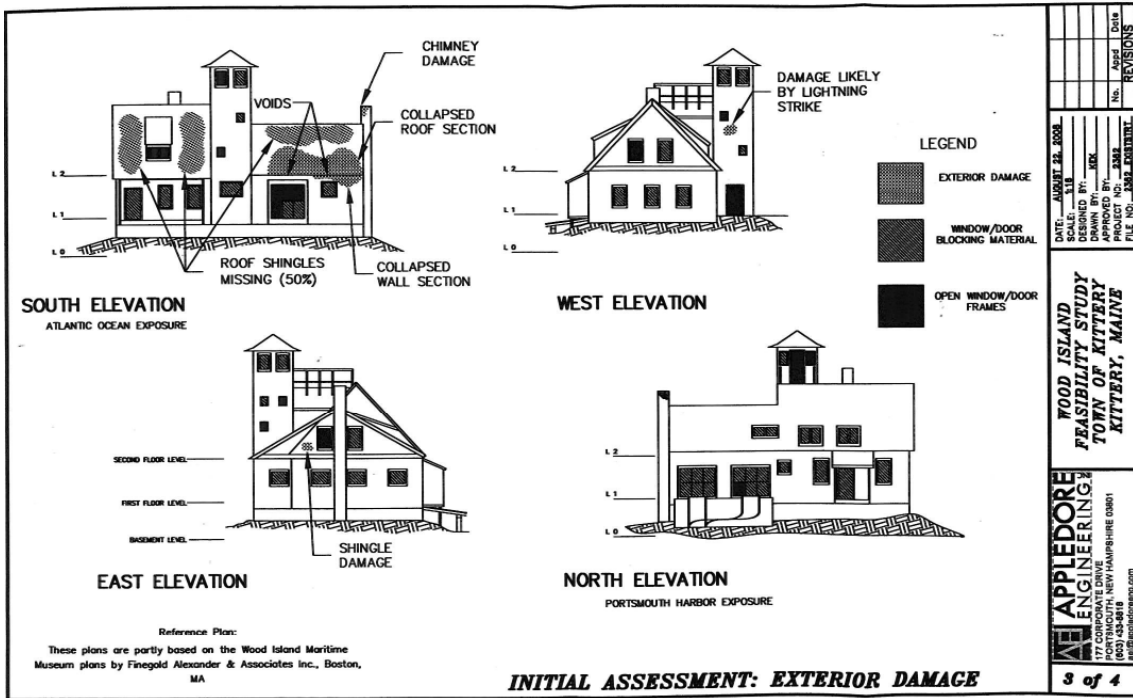
**1. Notice.** The notice must be served on the owner and all parties in interest, as defined in Title 14, section 6321, in the same way service of process is made in accordance with the Maine Rules of Civil Procedure.  
[ 1997, c. 6, §1 (AMD) .]

**2. Notice; how published.** When the name or address of any owner or co-owner is unknown or is not ascertainable with reasonable diligence, then the notice must be published once a week for 3 successive weeks prior to the date of hearing in a newspaper generally circulated in the county, or if none, in the state paper.  
[ 1997, c. 6, §1 (AMD) .]

**3. Order.** The order made by the municipal officers or county commissioners must be recorded by the municipal or county clerk, who shall cause an attested copy to be served upon the owner and all parties in interest in the same way service of process is made in accordance with the Maine Rules of Civil Procedure. If the name or address cannot be ascertained, the clerk shall publish a copy of the order in the same manner as provided for notice in subsection 2.

[ 1997, c. 6, §1 (AMD) .]

**4. Proceedings in Superior Court.** In addition to proceedings before the municipal officers or the county commissioners, the municipality or the county may seek an order of demolition by filing a complaint in the Superior Court situated in the county where the structure is located. The complaint must identify the location of the property and set forth the reasons why the municipality or the county seeks its removal. Service of the complaint must be made upon the owner and parties-in-interest in accordance with the Maine Rules of Civil Procedure. After hearing before the court sitting without a jury, the court shall issue an appropriate order and, if it requires removal of the structure, it shall award costs as authorized by this subchapter to the municipality or the county. Appeal from a decision of the Superior Court is to the law court in accordance with the Maine Rules of Civil Procedure.



<b>3 of 4</b>	<b>AE APPLEDORE ENGINEERING</b> 177 CORBIN AVENUE PORTSMOUTH, NEW HAMPSHIRE 03801 (603) 433-8811	<b>WOOD ISLAND FEASIBILITY STUDY TOWN OF KITTERY KITTERY, MAINE</b>			
		DATE:	AUGUST 22, 2008		
		DESIGNED BY:	_____		
		DRAWN BY:	_____		
		APPROVED BY:	_____		
		PROJECT NO.:	2382		
		FILE NO.:	2382		
		REVISIONS			
		No.	Asst.	Date	

